

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
Northeastern Division

DONALD BRIAN DALLAS,)	
)	
Plaintiff)	
)	No. 2:09-0105
v.)	Judge Campbell/Brown
)	
JAMES BARTALTTA, et al.,)	
)	
Defendants)	

O R D E R

The Magistrate Judge is in receipt of a letter from the Plaintiff dated February 3, 2010, which the Clerk has docketed as a motion.

As an initial matter, the Plaintiff should use a caption similar to that used in this order and in addition the Plaintiff must send a copy of any pleadings that he files to opposing counsel with a certification of service showing that he has provided a copy of the document to opposing counsel, either by the email shown on the Defendants' response (Docket Entry 21), or by showing that it was sent by first class mail.

The Defendants have responded (Docket Entry 21) stating that they have no strenuous objection to the Plaintiff's request to obtain permission from the Court to subpoena documents or to add amendments to his complaint. They point out, however, that without knowing what subpoenas are involved or what amendments are proposed, they are not in a position to know whether they should object or not.

The Plaintiff should comply with the Federal Rules of Civil Procedure 45 and 15, and the Court's Local Rules 45 and 15. Copies of the Court's Local Rules may be found on the Court's website www.tnmd.uscourts.gov. Without knowing what documents are intended to be subpoenas, or from whom they will be subpoenaed, or what amendments are intended to be added, the Magistrate Judge is not in a position to grant the motion. The motion is, therefore, **DENIED** without prejudice to being refiled. If the Plaintiff is seeking documents from the Defendants, he should request those documents in accordance with Federal Rules of Civil Procedure 33 or 34.

Under Federal Rule of Civil Procedure 15, permission to amend should be freely given in the interest of justice. The Plaintiff should, therefore, attach with any motion for permission to amend, a copy of the proposed amendment so the Defendant will have an opportunity to object to a specific amendment, and so the Magistrate Judge will be in a position rule on the matter.

The Magistrate Judge would advise the Plaintiff to secure the services of an attorney, if at all possible, as it is clear at this point he is having some difficulty with procedure.

It is so **ORDERED**.

/s/ Joe B. Brown
JOE B. BROWN
United States Magistrate Judge